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BOOK REVIEWS.

All book reviews are by the Editor-in-Chief unless otherwise expressly stated.

Standards of American Legislation. An Estimate of Restrictive and Constructive Factors—By Ernst Freund, Professor of Jurisprudence and Public Laws in the University of Chicago. Author of “The Police Power.” The University of Chicago Press, Chicago, Illinois. Price \$1.50, net.

We have read with unusual interest and attention this most admirable work. It consists of a series of lectures delivered at Johns Hopkins University in 1915, enlarged into the present volume. In this day of “legal unrest,” so to speak, it is encouraging to find a thinker who, having something to say, says it in a clear, concise way and in criticizing does not find fault so much as he suggests improvement. The book is one in which the author takes up the historical growth of social legislation, contrasting the common law and public policy. He thus devotes himself in an exceedingly valuable and interesting chapter to the “Tasks and Hazards of Legislation” and in it discusses the various problems of social legislation and judicial doctrines upon social questions. He amplifies in another chapter the discussion of these judicial doctrines, having carefully outlined the various constitutional provisions which have attempted to check the rapid advance of social legislation, and showing the futility, and we might almost say foolishness, of much of our so-called fundamental laws. We older men, who have not made a special study of the subject, stand almost aghast as we read grouped together an outline of the laws passed and approved by the courts, which in our boyhood would have seemed tendencies towards the rankest socialism. We accept them as a matter of course now. Professor Freund, we gather, is by no manner of means afraid of socialistic legislation if it confines itself to reasonableness. This chapter on “Tasks and Hazards” is one of exceeding hopefulness in which the writer, whilst pointing out evils and suggesting remedies, seems to believe that our law-making bodies are about as conservative as our courts.

In the chapter on “Judicial Doctrines” our author has grouped decisions in which the courts have enforced constitutional limitations on legislation, commencing with *Harn v. McClaws*, 1 Bay 93 (1789) and ending with *Ives v. South Buffalo, &c.*, 201 N. Y. 271 (1911) and the later case of *Jemen v. So. Pac. Co.*, 215 N. Y. 514. Our author has not failed to maintain in this chapter the same spirit of fairness towards legislators and courts which is a characteristic of the work, but gives as his judgment that the problems

of legislation await their solution only in an independent science of jurisprudence. We wish that space permitted us to dwell upon other features of this work. The chapters on the "Meaning of Principle in Legislation" and the concluding one on "Constructive Factors" could afford material for a criticism more extended than a leading article and are worthy of careful reading and close study. This contribution of Professor Freund to the legal literature of our time is not only valuable for its depth of thought and its suggestive reasoning, but is full of historical information and kindly but fearless criticism of what might be termed the contest between the legislators and the courts. No student of socialistic legislation can neglect it. No one who wishes information upon the important subject of which it treats can find information put up in a more readable, interesting and pleasant shape.

Unfair Competition—A Study of Certain Practices, with Some References to the Trust Problem in the United States of America.
By William H. Stevens, Ph. D., Sometime Professor of Business Management in the Tulane University of Louisiana. Editor, Industrial Combination of Trusts. The University of Chicago Press, Chicago, Illinois. Price \$1.50, net.

This is a timely and well written book upon a subject which looms up large at the present time, especially in view of that clause in the Federal Trade Commission Act reading as follows:

"Unfair methods of competition in commerce are hereby declared unlawful."

What is an unfair method? Until recently, as our author points out, the words "unfair competition" referred primarily to the marketing of goods by methods involving fraud, misrepresentation, etc., but in a broader sense they take in any methods which may be described as economically unfair. This work takes up twelve different classes of "unfair methods of competition" and treats them from several viewpoints—attempting to indicate how these methods may be dealt with. The author has collected from actual testimony many of the methods used and has been absolutely fair in the way in which he has utilized his material. "For ways that are dark" and "tricks that are (not always) vain," the methods of modern manufacturers and dealers on a large scale are, to say the least, "peculiar." They are shown up in a clear, convincing way and the author's conclusion, outlining the work of the Federal Trade Commission, makes very interesting reading. Indeed the whole book, which is not a very large one, furnishes instructive, entertaining, and interesting reading and is a most valuable contribution to this question, now a very live one in this country of combinations and monopolies.